THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8754 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the proceedings of the 1st respondent dated 2.03.2006 passed under Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), imposing damages of Rs.3,11,902/- as well as the proceedings dated 12.04.2006 determining an amount of Rs.8,11,726/- as damages under Section 14-B of the Act, towards penal damages, as arbitrary and illegal.

Though the learned counsel for the petitioner raised various contentions, the learned Standing Counsel appearing for the 1st respondent at the outset raised an objection as to the maintainability of the writ petition, contending that against the impugned orders an alternative remedy of appeal is available under Section 7-I of the Act. I find force in the said submission of the learned Standing Counsel for the 1st respondent. Since an efficacious alternative remedy of appeal is available under the statute, the petitioner cannot maintain the writ petition, without exhausting the said alternative remedy.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the impugned orders within a period of four weeks from the date of receipt of a copy of this order. If such an appeal is filed, the same shall be entertained and appropriate orders be passed in accordance with law. It is further ordered that the operation of the impugned proceedings shall remain stayed, pending such appeal, subject to the condition that the petitioner deposits half of the amounts demanded under the impugned proceedings, within a period of four weeks from today.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

20th April, 2006.

Kgr

Operative portion by wire at party's cost.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8754 OF 2006

26th April, 2006.

Between:

The Divisional Electrical Engineer

(Operation), M/s A.P.C.P.D. Limited,

Kadri, Ananthapur, represented by its

Divisional Electrical Engineer-

N. Govinda Rajan. .. Petitioner.

And

The Asst. P.F. Commissioner,

Office of the Employees Provident

Fund Organization,

1/30, Railway Station Road,

Cuddapah and another. .. Respondents.